



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
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Memorandum

TO: Nursing Home and Rest Home Administrators

FROM: Elizabeth D. Kelley, MPH, MBA, Director
Bureau of Health Care Safety and Quality

SUBJECT: Training and Supervision of Nurse Aide and Feeding Assistant Staff

DATE: June 4, 2020

The Massachusetts Department of Public Health (DPH) continues to work with state, federal and local partners on the outbreak of Coronavirus Disease 2019 (COVID-19), caused by the virus SARS-CoV-2, and we continue to appreciate the essential role you have in responding to this evolving situation.

On May 12, 2020, DPH issued an emergency order relative to certified nurse aide training. This order removes the statutory and regulatory requirement that a nurse aide must complete the nurse aide training within 90 days of commencing employment, provided that the long-term care facility ensures that the nurse aide is competent to provide nursing and nursing related services and demonstrates competency in skills and techniques necessary to care for residents' needs.¹

This memorandum provides additional information about training and supervision requirements for nurse aides and feeding assistants.

Nurse Aides:

A nurse aide is defined at 42 CFR 483.5 as any individual providing nursing or nursing-related services to residents in a nursing home who is not a licensed health professional, a registered dietitian, or someone who volunteers to provide such services without pay. Nurse aides do not include those individuals who furnish services to residents only as paid feeding assistants.

¹ <https://www.mass.gov/doc/order-re-cna-training/download>

To assist in addressing potential staffing shortages, CMS has waived the section of its regulations that prohibits a nursing home from employing anyone as a nurse aide for longer than four months unless the aide has met the training and certification requirements at 42 CFR 483.35(d).²

To ensure the health and safety of nursing home residents, CMS is not waiving 42 CFR 483.35(d)(1)(i), which requires facilities to not use any individual working as a nurse aide for more than four months, on a full-time basis, unless that individual is competent to provide nursing and nursing related services.

CMS has also not waived 42 CFR 483.35(c), which requires facilities to ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care. DPH expects that demonstration of competency to be in person.

CMS and DPH do not specify in their respective regulations the method a nursing home must use to ensure that nurse aides who have not completed an approved nurse aide training program and nurse aide certification testing are able to demonstrate competency in skills and techniques necessary to care for residents' needs. Available options include, but are not limited to, online introductory training. These programs do not substitute for in-person skills and techniques competency demonstration, but may be used in conjunction with a live skills assessment. The facility remains responsible for ensuring that individuals are competent in the specific services they are providing.

Regardless of the type of training provided by a nursing home, and method used to ensure competency, nursing homes must ensure that all nurse aides receive appropriate supervision at all times.

Paid Feeding Assistants:

CMS has also modified the requirements at 42 CFR 483.60(h)(1)(i) and 42 CFR 483.160(a) regarding required training of paid feeding assistants. Specifically, CMS has reduced its minimum training time requirement from eight hours to one hour. CMS has not waived any other requirements under 42 CFR §483.60(h) related to paid feeding assistants or the required training content at 42 CFR §483.160(a)(1)-(8), which contains infection control training and other elements. Additionally, CMS has also not waived or modified the requirements at 42 CFR §483.60(h)(2)(i), which requires that a feeding assistant must work under the supervision of a registered nurse (RN) or licensed practical nurse (LPN).

Any new feeding assistant training programs must email nars@state.ma.us and attest that they meet all of the state and federal requirements for a feeding assistant training program before operating. The standard attestation form is attached. (Attachment A).

² Information on the CMS waiver can be found on page 10 of the following link:
<https://www.cms.gov/files/document/covid19-emergency-declaration-health-care-providers-fact-sheet.pdf>.

Other Training Requirements:

DPH's long-term care licensure regulation requires at 105 CMR 150.002(D)(3) that all nursing homes and rest homes have an organized orientation program for all new employees to explain job responsibilities, duties and employment policies.

DPH does not prescribe the length of orientation program or the curriculum that must be followed. While each facility's orientation program must cover the information required in the long-term care regulation, a facility does not need to obtain approval from DPH to change its own orientation program.

DPH's long-term care licensure regulation also requires at 105 CMR 150.024(B) that direct care staff, which includes both nurse aides and paid feeding assistants, complete eight hours of initial dementia training prior to being released from orientation. It is at the discretion of the facility to determine how and when during orientation to do this training. A facility may have its staff complete eight hours all at once, before the employee begins providing care to residents, or it may conduct this training over the course of the employee's orientation period.

Each facility should consider the needs of the new employee; an individual who has never provided care to someone with dementia, who will be working directly with residents in a unit or facility where all of the residents have dementia, would likely require more training prior to doing so, than someone who through prior training and experience is familiar with the needs of such residents.

DPH strongly encourages all long-term care facilities in Massachusetts to monitor the CMS and CDC website for up-to-date information and resources:

- CMS website: <https://www.cms.gov/About-CMS/Agency-Information/EPRO/Current-Emergencies/Current-Emergencies-page>
- CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/index.html>

Additionally, please visit DPH's website that provides up-to-date information on COVID-19 in Massachusetts: <https://www.mass.gov/2019coronavirus>.

ATTACHMENT A

ATTESTATION FORM

**FOR USE BY FACILITIES AND TRAINING PROVIDERS INTENDING TO CONDUCT
FEEDING ASSISTANT TRAINING**

TO: nars@state.ma.us

NAME OF TRAINING PROVIDER: _____

ADDRESS: _____

PHONE: (_____) _____

I hereby certify that the following conditions have been reviewed and met:

- The feeding assistant training program offered by the entity listed above addresses all of the elements and meets the minimum required hours as detailed in the curriculum guidelines for feeding assistant training.
- This program incorporates a comprehensive competency evaluation, including both a written test of conceptual understanding as well as a demonstration of all relevant skills.
- All program records, including attendance, skills check-sheets, testing documents, and any other documentation of performance will be kept on file with the employee's personnel record, or, in the case of non-facility-based training, will kept on file and be made available to an inquiring facility on demand.

I also acknowledge that all program records are subject to review as part of the employee record in a standard recertification survey or during a complaint investigation; or, in the case of a non-facility-based program, during a standard training program site review.

FORM COMPLETED BY: _____

TITLE: _____

SIGNATURE: _____

DATE: _____